

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2014-002431

03/11/2014

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT

A. Quintana

Deputy

IN RE THE MATTER OF
ADAM FERREE

AMANDA M SAVAGE

AND

STACY FERREE

STACY FERREE
22668 W ADAMS DR
BUCKEYE AZ 85326

CONCILIATION SERVICES-CCC
FAMILY COURT SERVICES-CCC
TASC - PHOENIX

RETURN HEARING

Courtroom 201 (OCH)

8:44 a.m. This is the time set for Return Hearing regarding Father's Motion for Temporary Orders filed February 14, 2014. Petitioner/Father is present and represented by above-named counsel. Respondent/Mother is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court regarding the status of the case.

Stacy Ferree presents statements to the Court.

Adam Ferree presents statements to the Court.

Stacy Ferree and Adam Ferree are sworn.

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Based upon the matters presented,

Rule 69 Agreement

Counsel advise the Court that the parties have reached an agreement on a temporary orders basis, which is dictated into the record in the presence of both parties and counsel, and which can generally be summarized as follows:

- The parties will share joint legal decision making for minor children.
- Mother will exercise parenting time as follow:
- 1st weekend in Casa Grande from Saturday at 12:00 p.m. (noon) to 3:00 p.m. Sunday.
- 2nd Weekend in Tucson from Saturday at 10:00 a.m. to 4:00 p.m.
- 3rd Weekend Father shall exercise parenting time.
- The location will be as mutually agreed on by the parties.
- Mother's parenting time will be supervised by Father until Mother has reached 2 months of negative drug tests.

Mother and Father both testify that they have heard, understood, and agree with the agreement as dictated into the record.

THE COURT FINDS that the parties have knowingly, intelligently, and voluntarily entered into a binding Rule 69 agreement, which will be enforceable by the Court consistent with the record made my counsel.

THE COURT FURTHER FINDS that the agreement entered into between the parties is not unfair, and is reasonable and in the best interests of the parties' minor child(ren).

IT IS ORDERED approving the agreement of the parties as dictated into the record this date as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

TASC Hair Follicle Test

IT IS ORDERED within 24 hours of this date, Mother must appear for a hair follicle test at a location of TASC, Inc. as indicated on the TASC Referral Form. Mother shall pay initial cost, Father will reimburse Mother pending a negative hair follicle test.

IT IS FURTHER ORDERED that if Mother's hair follicle test is positive for any other substance other than the prescribed Oxycontin, then Mother shall be randomly tested once a week, as stated herein.

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ISSUED: Court Ordered Substance Abuse Testing

TASC

IT IS FURTHER ORDERED that Mother shall undergo random drug testing on the following basis pending a positive hair follicle test for any other substance other than the prescribed Oxycontin:

A. Agency. Mother's random drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.

B. First Test. Mother shall report to TASC immediately for her first test.

C. Scope. Mother shall undergo a most commonly abused substance and drug test (Screen "B") for each test ordered herein.

D. Cooperation. Mother shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:

1. Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.
2. Mother shall timely report for testing and provide samples as directed by the testing agency.
3. Mother shall present photo identification to the testing agency at the time of each test.
4. Mother shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.

E. Cost. Mother shall pay the cost of her testing in money order or cashier's check at the time of testing.

F. Frequency & Duration. Mother shall be randomly tested once per week.

G. Positive/Diluted/Missed Test. In the event that Mother tests positive on any test, misses a random test, or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above, shall be started again with weekly tests. All parties are

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advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.

H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report.

ISSUED: Court Ordered Substance Abuse Testing

Pre-Decree Mediation Referral

IT IS ORDERED the parties are referred to Conciliation Services for Confidential Mediation of **legal decision making, parenting-time issues and relocation** as appropriate. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED setting Mediation for April 1, 2014 at 1:30 p.m. in Conciliation Services at:

**Maricopa County Superior Court
Central Courts Building
201 West Jefferson, 3rd Floor
Phoenix, Arizona 85003
602-506-1561**

NOTICE

In accordance with the Arizona Rules of Family Law Procedures, specifically Rule 68, subsection B, each party has the right to request that reasonable procedures be in place at Mediation to protect a victim of domestic violence. Please call Conciliation Services to request arrangements. If you wish to request a Waiver of Attendance, you must file your written request with the assigned judicial officer on the case.

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WARNING

YOU MAY HAVE TO PAY UP TO A \$200 FEE IF YOU DO NOT ATTEND THE MEDIATION SESSION. IF YOU CANNOT ATTEND, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION. IF YOU REACH A FULL AGREEMENT ABOUT CUSTODY AND PARENTING TIME AND DO NOT PLAN TO COME TO THE MEDIATION SESSION, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AS SOON AS POSSIBLE OF THE SETTLEMENT TO AVOID PAYING THIS FEE.

TRIAL SETTING

IT IS ORDERED setting Trial to the Court on May 13, 2014 at 9:00 a.m. to 12:00 p.m. (time allotted: 3 hours) in this Division before:

**Judge Christopher Whitten
Maricopa County Superior Court
125 W. Washington
OCH-Courtroom 201
Phoenix, AZ 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Each party will be allowed ½ of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in this allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information and documents by **April 1, 2014**.
2. All depositions and discovery contemplated by Rule 51 through 64, Arizona Rules of Family Law Procedure, shall be **completed** by **April 22, 2014** (note that any written discovery

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must be provided far enough in advance of such date to allow for responses to be served in accordance with the Rules prior to the discovery cutoff).

3. Both parties and their counsel, if represented, shall meet face to face at least 10 days prior to trial to conduct settlement discussions, prepare a Joint pre-trial Statement, exchange all exhibits to be used at trial, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall exchange all exhibits to be offered as evidence at trial at least 10 days prior to trial.

5. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

6. If child support or spousal maintenance is at issue, the parties shall exchange their three most recent pay stubs, two most recent tax returns (including W-2's, 1099s, and all schedules), and any other documents reflecting their income no later than 30 days prior to trial. When child support is in issue, the parties shall also exchange information and documents establishing the cost of medical, dental, and vision insurance and day care expenses for the parties' minor child(ren).

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Information completed by each party;
2. If there are disputed custody, access or visitation issues, each party's specific proposal for custody and parenting time;
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines;
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq;

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5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the Court prefers a one-page statement of all property except personal property items valued at less than \$500 each;

6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested;

7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H); and

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure. If attorneys' fees are claimed based on the alleged unreasonableness of the opposing party, the affidavit shall include only the amount of fees incurred as a result of the alleged unreasonable actions or positions.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, and with all required information, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS ORDERED that, if either party has exhibits (such as documents, photographs, or other items) that he/she wants the Court to consider as evidence at the Trial, he/she shall deliver the exhibits to this Courtroom by May 6, 2014, at least 5 days prior to the hearing with a coversheet containing a description of each exhibit. Duplicate exhibits shall not be presented by the parties. DO NOT FILE EXHIBITS WITH THE CLERK OF COURT.

NOTE: DO NOT PROVIDE A BENCH COPY OF ALL OF YOUR EXHIBITS. If there are one or two important document(s) that you know will be reviewed with a witness, and which the Court should be able to review simultaneously, copies of that/those individual document(s) may be provided. Attorneys who violate this order may be ordered to reimburse their client for the cost of preparing a Bench Copy notebook of all exhibits.

NOTE: We do not hold spots for supplemental exhibits.

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IT IS FURTHER ORDERED that the parties shall set forth in the Joint Pretrial Statement all specific objections that will be made to any exhibit if offered at the hearing. Reserving all objections to the time of hearing is not permitted. Even if there are no objections to an exhibit, any exhibit that a party wishes the Court to consider must be offered individually at the hearing (an offer of exhibits "in bulk" will not be permitted) and its specific relevance to an issue in the case explained before the exhibit will be admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement, they may submit a proper consent decree prior to the trial date or they may appear at the time of trial and place the agreements on the record. Alternatively, the Court may vacate the trial without one of those actions occurring upon the request of both parties or their counsel. However, **in the event that the trial is vacated under those circumstances, it will not be reset.** If the trial is vacated and an appropriate consent decree has not been provided to this division within 30 days of the scheduled trial date, the case will be dismissed.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

9:16 a.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/s/ JUDGE CHRISTOPHER WHITTEN

JUDGE CHRISTOPHER WHITTEN
JUDICIAL OFFICER OF THE SUPERIOR COURT

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All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.